



DEPARTMENT OF THE NAVY  
NAVAL AIR SYSTEMS COMMAND  
RADM WILLIAM A. MOFFETT BUILDING  
47123 BUSE ROAD, BLDG 2272  
PATUXENT RIVER MARYLAND 20670-1161

5720.9b  
V900000/2020-006828  
February 7, 2023

John Greenwald, Jr.  
27305 W. Live Oak Road, Suite 1203  
Castaic, CA 91384

Dear John Greenwald,

SUBJECT: FREEDOM OF INFORMATION ACT CASE DON-NAVY-2020-006828

This responds to your Freedom of Information Act (FOIA) request of April 17, 2020 in which you seek: "I respectfully request a copy of records, electronic or otherwise, of the following: 1) All communications, e-mails, letters, memos, internal communications, notes etc. regarding AFOSI investigation case #3290517356125. Although this is an AFOSI investigation, in it, it states that the Division Head, Naval Air Warfare Center - Aircraft Division, Naval Air Station Patuxent River, MD was contacted. There was analysis on three videos which they determined there was "no sensitive symbology or other items of concern." I am seeking all records pertaining to this, which would include, but not be limited to, memos, emails, letters, reports, notes, etc."

Enclosed is a copy of "All communications, e-mails, letters, memos, internal communications, notes etc. regarding AFOSI investigation case #3290517356125". We have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions. Portions of the documents have been withheld under the following FOIA Exemptions:

**Exemption (b)(5)** (5 U.S.C. § 552 (b)(5)) protects information which includes internal advice, recommendations, or subjective evaluations pertaining to the decision-making process of the Agency.

**Exemption (b)(6)** (5 U.S.C. § 552 (b)(6)) protects personal information which if disclosed would result in an unwarranted invasion of personal privacy.

We have withheld one internal communication document in its entirety under the following FOIA Exemption:

**Exemption (b)(5)** (5 U.S.C. § 552 (b)(5)) protects information which includes internal advice, recommendations, or subjective evaluations pertaining to the decision-making process of the Agency.

There are no fees associated with the processing of your request in this instance.

You have the right to an appeal. It must be received (i.e., post-marked if by mail, sent if by email, submitted if by FOIAonline) within 90 calendar days from the date of this letter. Please provide the appellate authority (see below) the following in an envelope marked "Freedom of Information Act Appeal":

- a letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- a copy of your initial request;
- a copy of the letter of denial.

Also, please provide us a copy of your appeal letter at:

COMMANDER  
ATTN FREEDOM OF INFORMATION ACT OFFICE  
NAVAIRWARCENACDIV  
22095 FORTIN CIRCLE BUILDING 1489 SUITE 115  
PATUXENT RIVER MD 20670

There are two ways to file an appeal: through FOIAonline or by mail.

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline (this is a website that will appear as the top hit if you search the internet for "FOIAonline"), click "Create Account" (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click "Save" (at the bottom left of the screen). With your account thereby created, you will have the power to file an appeal on FOIAonline to any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.
2. By mail. Address your appeal to:

The Judge Advocate General (Code 14)  
1322 Patterson Avenue SE, Suite 3000,  
Washington Navy Yard, DC 20374-5066

If you have any questions, please contact the FOIA coordinator at [AD\\_FOIA.GM.fct@navy.mil](mailto:AD_FOIA.GM.fct@navy.mil). You may also contact the DON FOIA Public Liaison, Christopher Julka, at [Christopher.a.julka.civ@us.navy.mil](mailto:Christopher.a.julka.civ@us.navy.mil), (703) 697-0031.

In addition, the Office of Government Information Services provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the DON. For more information, go to <https://www.archives.gov/ogis/about-ogis/contact>.

Sincerely,

2/7/2023

**X** Merry C. Whelan

Merry C. Whelan

NAVAIR FOI IDA

Signed by: WHELAN.MERRY.C.1073213424